

ZB# 01-49

Myron Langer

48-4-38

Prelim.

Sept. 24, 2001

Public Hearing:

Oct. 22, 2001.

Granted

Refund \$212.00

#01-49 hanger, Myron

Area

48-4-38

APPLICATION FEE (DUE AT TIME OF FILING OF APPLICATION)

APPLICANT: Langer

FILE# 91-49

RESIDENTIAL: \$50.00
INTERPRETATION: \$150.00

COMMERCIAL: \$150.00

AREA X

USE

APPLICATION FOR VARIANCE FEE \$ 50.00

*

*

*

ESCROW DEPOSIT FOR CONSULTANT FEES \$ 300.00

DISBURSEMENTS:

STENOGRAPHER CHARGES: \$4.50 PER PAGE

PRELIMINARY MEETING-PER PAGE 9/24/01 - 2 \$ 9.00
2ND PRELIMINARY- PER PAGE \$
3RD PRELIMINARY- PER PAGE \$
PUBLIC HEARING - PER PAGE 10/22/01 \$ 9.00
PUBLIC HEARING (CONT'D) PER PAGE \$
TOTAL \$ 18.00

ATTORNEY'S FEES: \$35.00 PER MEEETING

PRELIM. MEETING: 9/24/01 \$ 35.00
2ND PRELIM. \$
3RD PRELIM. \$
PUBLIC HEARING. . . 10/22/01 \$ 35.00
PUBLIC HEARING (CONT'D) \$
TOTAL \$ 70.00

MISC. CHARGES:

..... \$
TOTAL \$ 88.00

LESS ESCROW DEPOSIT \$ 300.00
(ADDL. CHARGES DUE) \$
REFUND DUE TO APPLICANT .. \$ 212.00

*Paid ck # 2311
10/05/01*

Paid ck # 2312

Date 11/1/01.....

TOWN OF NEW WINDSOR

**TOWN HALL, 555 UNION AVENUE
NEW WINDSOR, NEW YORK 12553**

TO Myron Hanger DR.
30 Hoosetrife Lane. Kerhonkson, NY 12446

[illegible]

MYRON LANGER
JEAN LANGER
30 LOOSESTRIPE LANE 845 626 5688
KERHONKSON NY 12448

2312

Date 10-5-01

50-693/219
317

Pay to the Order of Trust of New Windsor \$ 300.00/100
Three Hundred and 00/100 Dollars



KeyBank National Association
Madison, New York 12648
1-800-832-7000

For escrow - variance

Jan Langer

⑆021906834⑆ 3429002610 2312
ZBA #01-49.

©2001 American

MYRON LANGER
JEAN LANGER

30 LOOSESTRIPE LANE 845 626 5688
KERHONKSON NY 12446

2311

Date 10-5-01

58-693/219
317

Pay to the
Order of

Joan of New Windsor \$ 50.00
Fifty and 00/100 Dollars



KeyBank National Association
Medena, New York 12548
1-800-MY2YOU

For

variance application fee Jean Langer
⑆021906934⑆ 3429002610 2311
2311 #01-49

**Town of New Windsor
555 Union Avenue
New Windsor, NY 12553
(845) 563-4611**

**RECEIPT
#968-2001**

10/05/2001

Larucci App. See
ZBA 01-49

**Langer, Roy
30 Loosestrife Lane
Kerhonkson, NY 12446**

**Received \$ 50.00 for Zoning Board Fees on 10/05/2001. Thank you for stopping by
the Town Clerk's office.**

As always, it is our pleasure to serve you.

**Deborah Green
Town Clerk**

-----X
In the Matter of the Application of

JEAN & MYRON LANGER

**MEMORANDUM OF
DECISION GRANTING
AREA VARIANCE**

#01-49.
-----X

WHEREAS, JEAN AND MYRON LANGER, residing at 30 Loosestrife Lane, Kerhonkson, New York 12446, have made application before the Zoning Board of Appeals for a 7 ft. rear yard variance for an existing deck at 44 Faye Avenue, New Windsor, N. Y. in an R-4 zone; and

WHEREAS, a public hearing was held on the 22nd day of October, 2001 before the Zoning Board of Appeals at the Town Hall, New Windsor, New York; and

WHEREAS, the Applicants appeared on behalf of this Application; and

WHEREAS, there were no spectators appearing at the public hearing; and

WHEREAS, no one spoke in favor of or in opposition to the Application; and

WHEREAS, a decision was made by the Zoning Board of Appeals on the date of the public hearing granting the application; and

WHEREAS, the Zoning Board of Appeals of the Town of New Windsor sets forth the following findings in this matter here memorialized in furtherance of its previously made decision in this matter:

1. The notice of public hearing was duly sent to residents and businesses as prescribed by law and in The Sentinel, also as required by law.
2. The evidence presented by the Applicants showed that:
 - (a) The property is a residential property consisting of a one-family home located in a neighborhood containing one-family homes.
 - (b) The deck has been in existence for approximately 21 years during which time there have been no complaints either formal or informal about the deck.
 - (c) The deck does not create any water hazards creating ponding or collection of water.

- (d) The deck is not constructed on the top of any water or sewer easements.
- (e) The deck is not constructed on the top of any well or septic systems.
- (f) The deck is similar to other decks in the neighborhood.
- (g) Without the existence of the deck at the rear of the residential dwelling there would be a severe safety hazard when exiting to the rear of the structure.

WHEREAS, The Zoning Board of Appeals of the Town of New Windsor makes the following conclusions of law here memorialized in furtherance of its previously made decision in this matter:

1. The requested variance will not produce an undesirable change in the character of the neighborhood or create a detriment to nearby properties.
2. There is no other feasible method available to the Applicants, which can produce the benefits sought.
3. The variance requested is substantial in relation to the Town regulations but nevertheless is warranted.
4. The requested variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or zoning district.
5. The difficulty the Applicants faces in conforming to the bulk regulations is self-created but nevertheless should be allowed.
6. The benefit to the Applicants, if the requested variance is granted, outweighs the detriment to the health, safety and welfare of the neighborhood or community.
7. The requested variance is appropriate and is the minimum variance necessary and adequate to allow the Applicants relief from the requirements of the Zoning Local Law and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.
8. The interests of justice will be served by allowing the granting of the requested area variance.

NOW, THEREFORE, BE IT

RESOLVED, that the Zoning Board of Appeals of the Town of New Windsor GRANT a request for a 7 ft. rear yard variance to allow an existing deck at the above location, in an R-4 zone, as sought by the Applicant in accordance with plans filed with the Building Inspector and presented at the public hearing.

BE IT FURTHER

RESOLVED, that the Secretary of the Zoning Board of Appeals of the Town of New Windsor transmit a copy of this decision to the Town Clerk, Town Planning Board and Applicant.

Dated: December 17, 2001.


Chairman

LANGER, JEAN

Mr. and Mrs. Myron Langer appeared before the board for this proposal.

MR. TORLEY: Request for 7 ft. rear yard variance for existing deck at 44 Faye Avenue in an R-4 zone. You have an existing deck that infringes on the back yard by 7 feet?

MR. LANGER: Right.

MR. KANE: How long has the deck been up?

MR. LANGER: 21 years.

MR. MC DONALD: No complaints?

MR. LANGER: No.

MR. TORLEY: It's held together for 21 years?

MR. LANGER: Well, we had to repair it a couple times.

MR. TORLEY: Clearly from the photographs if the deck were not there, there'd be a severe safety hazard?

MR. LANGER: It's a long drop, yes.

MR. KANE: No creation of water hazards or runoff in building of the deck?

MR. LANGER: No.

MR. KANE: Deck similar in size to other decks in the neighborhood?

MR. LANGER: I guess, yes.

MR. TORLEY: We're not over any well or septic?

MR. LANGER: It's all town water, town sewer.

MR. KRIEGER: So you're not over any easements, water or sewer?

MR. LANGER: No.

MR. TORLEY: Any complaints from your neighbors?

MR. LANGER: Really, you can't see it from the road.

MR. MC DONALD: Make a motion we grant the request for the 7 foot rear yard variance for the existing deck.

MR. RIVERA: Second it.

ROLL CALL

| | |
|---------------|-----|
| MR. REIS | AYE |
| MR. KANE | AYE |
| MR. MC DONALD | AYE |
| MR. RIVERA | AYE |
| MR. TORLEY | AYE |

MR. TORLEY: Motion to adjourn?

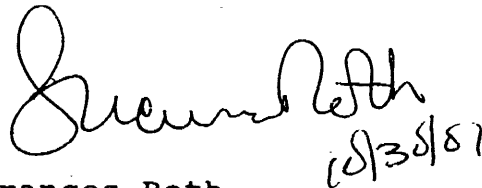
MR. RIVERA: So moved.

MR. MC DONALD: Second it.

ROLL CALL

| | |
|---------------|-----|
| MR. REIS | AYE |
| MR. KANE | AYE |
| MR. MC DONALD | AYE |
| MR. RIVERA | AYE |
| MR. TORLEY | AYE |

Respectfully Submitted By:



10/30/01

Frances Roth
Stenographer

Date 12/26/01 ,

TOWN OF NEW WINDSOR

TOWN HALL, 555 UNION AVENUE
NEW WINDSOR, NEW YORK 12553

TO Frances Roth DR.
168 N. Drury Lane
Newburgh, N.Y. 12550

| DATE | | | CLAIMED | ALLOWED |
|----------|--|----------------------|---------|---------|
| 12/26/01 | | Zoning Board Meeting | 75 00 | |
| | | Misc. - 1 | | |
| | | Searing - 5 | | |
| | | Moisheer - 4 | | |
| | | Santos - 4 | | |
| | | Sheehan - 2 | | |
| | | Lucas - 3 | | |
| | | Weed - 6 | | |
| | | Manera - 2 | | |
| | | Scheuermann - 2 | | |
| | | Di Micelli - 6 | | |
| | | Bila/OC Trust - 3 | | |
| | | Potzakis - 3 | | |
| | | | 47 | |
| | | | 211 50 | |
| | | | 286 50 | |



Town of New Windsor

555 Union Avenue
New Windsor, New York 12553
Telephone: (914) 563-4631
Fax: (914) 563-4693

Assessors Office

October 2, 2001

(28)

Jean Langer
30 Loosestrife Lane
Kerhonkson, NY 12446

Re: 48-4-38

Dear Ms. Langer,

According to our records, the attached list of property owners are within five hundred (500) feet of the above referenced property.

The charge for this service is \$45.00, minus your deposit of \$25.00.

Please remit the balance of \$20.00 to the Town Clerk's Office.

Sincerely,

Leslie Cook
Sole Assessor

LC/bw
Attachments

CC: Pat Corsetti, ZBA

37-1-20
Tarsio Realty Associates
C/o Pat Tarsio Lanes
115-119 So. Plank Rd
Newburgh, NY 12550

47-1-83
Maria & Izrail Asinovsky
48 Pearce Parkway
Pearl River, NY 10965

48-4-16
John Lisi
34 Nee Ave
New Windsor, NY 12553

37-1-25; 26; 27; 28; 29; 30
Mary Bonura
87 Rte 9W South
Newburgh, NY 12550

48-1-13
Rosemarie & Charles Greene
61 Blooming Grove Tpke
New Windsor, NY 12553

48-4-17
Mary Louise & Charles Foti
33 Faye Ave
New Windsor, NY 12553

37-1-31.1; 31.2; 31.3
Joseph Bonura
101 Route 9W South
New Windsor, NY 12553

48-1-23
Stella Krawcyk
15 Nee Ave
New Windsor, NY 12553

48-4-19
Florinda & Robert Jarvis
31 Faye Ave
New Windsor, NY 12553

47-1-56
Jeanne Finkenaure
24 Garden Drive
New Windsor, NY 12553

48-1-24
George Walter
19 Nee Ave
New Windsor, NY 12553

48-4-22
Tillie & Louis Talerico
29 Faye Ave
New Windsor, NY 12553

47-1-76
Edith Tomer
19 Lafayette Drive
New Windsor, NY 12553

48-1-25
Florence May Slater
23 Nee Ave
New Windsor, NY 12553

48-4-24
Susan & Grainger Kirth
25 Faye Ave
New Windsor, NY 12553

47-1-77
Frances & Clayton Oestrich
28 Faye Ave
New Windsor, NY 12553

48-3-3.1
Newburgh Realty Holding Co. Inc.
2934 Route 9W
New Windsor, NY 12553

48-4-26
Gertrude & Matthew Dykes
19 Faye Ave
New Windsor, NY 12553

47-1-78 & 79
Marilyn & Joseph Cuccinelli
32 Faye Ave
New Windsor, NY 12553

48-4-11
Kevin Hurley
18 Nee Ave
New Windsor, NY 12553

48-4-37
Sally & Gregory Gassner
42 Faye Ave
New Windsor, NY 12553

47-1-80
Kathryn & Christopher Craig
34 Faye Ave
New Windsor, NY 12553

48-4-12
Margaret & James Kiernan
22 Nee Ave
New Windsor, NY 12553

48-4-39 & 48-4-40
Mary Bonura
87 Route 9W South
Newburgh, NY 12550

47-1-81
Christopher Noto
36 Faye Ave
New Windsor, NY 12553

48-4-14
Dolores Wilkinson
26 Nee Ave
New Windsor, NY 12553

47-1-82
Felicia & Michael Witkowski
38 Faye Ave
New Windsor, NY 12553

48-4-15
Alfred Ciarimboli
30 Nee Ave
New Windsor, NY 12553

OFFICE OF THE BUILDING INSPECTOR
TOWN OF NEW WINDSOR
ORANGE COUNTY, NEW YORK

Prelim.
Sept. 24, 2001.
7:30 p.m.

NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION

#01-49

**APPLICANT IS TO PLEASE CONTACT THE ZONING BOARD SECRETARY AT (845) 563-4630 TO
MAKE AN APPOINTMENT WITH THE ZONING BOARD OF APPEALS.**

DATE: 9/4/01

APPLICANT: Myron Langer
44 Faye Avenue
New Windsor, NY 12553

COPY

PLEASE TAKE NOTICE THAT YOUR APPLICATION DATE:

FOR : Existing rear deck

LOCATED AT: 44 Faye Avenue

ZONE: R-4 Sec/ Blk/ Lot: **48-4-38**

DESCRIPTION OF EXISTING SITE: Existing one family house

IS DISAPPROVED ON THE FOLLOWING GROUNDS:

1. Existing rear deck does not meet minimum rear yard set-back.


BUILDING INSPECTOR

PERMITTED 40ft

PROPOSED OR
AVAILABLE:

VARIANCE
REQUEST:

ZONE: R-4 USE: G-8

MIN LOT AREA:

MIN LOT WIDTH:

REQ'D FRONT YD:

REQ'D SIDE YD:

REQ'D TOTAL SIDE TD:

REQ'D REAR YD:

33ft

7ft

REQ'D FRONTAGE:

MAX BLDG HT:

FLOOR AREA RATIO:

MIN LIVABLE AREA:

DEV COVERAGE:

cc: Z.B.A., APPLICANT, FILE, W/ ATTACHED MAP

PLEASE ALLOW FIVE TO TEN DAYS TO PROCESS
IMPORTANT
YOU MUST CALL FOR ALL REQUIRED INSPECTIONS OF CONSTRUCTION

Other inspections will be made in most cases but those listed below must be made or Certificate of Occupancy may be withheld. Do not mistake an unscheduled inspection for one of those listed below. Unless an inspection report is left on the job indicating approval of one of these inspections it has not been approved and it is improper to continue beyond that point in the work. Any disapproved work must be reinspected after correction.

1. When excavating is complete and footing forms are in place (before pouring.)
2. Foundation inspection. Check here for waterproofing and footing drains.
3. Inspect gravel base under concrete floors and underslab plumbing.
4. When framing, rough plumbing, rough electric and before being covered.
5. Insulation.
6. Final inspection for Certificate of Occupancy. Have on hand electrical inspection data and final certified plot plan. Building is to be completed at this time. Well water test required and engineer's certification letter for septic system required.
7. Driveway inspection must meet approval of Town Highway Superintendent. A driveway bond may be required.
8. \$50.00 charge for any site that calls for the inspection twice.
9. Call 24 hours in advance, with permit number, to schedule inspection.
10. There will be no inspections unless yellow permit card is posted.
11. Sewer permits must be obtained along with building permits for new houses.
12. Septic permit must be submitted with engineer's drawing and perc test.
13. Road opening permits must be obtained from Town Clerk's office.
14. All building permits will need a Certificate of Occupancy or a Certificate of Compliance and here is no fee for this.

RECEIVED

APR 28 2001

BUILDING DEPARTMENT

FOR OFFICE USE ONLY:
Building Permit #: 2001-878

**AFFIDAVIT OF OWNERSHIP AND/OR CONTRACTOR'S COMP & LIABILITY INSURANCE CERTIFICATE IS
REQUIRED BEFORE PERMIT WILL BE ISSUED**

PLEASE PRINT CLEARLY - FILL OUT ALL INFORMATION WHICH APPLIES TO YOU

X Owner of Premises Jean and Myron Langer

X Address 44 Fair Ave. New Windsor NY Phone # 845 626-5688

X Mailing Address 30 Loosestrip Ln. Kerhonkson NY 12446 Fax # _____

Name of Architect _____

Address _____ Phone _____

Name of Contractor _____

Address _____ Phone _____

State whether applicant is owner, lessee, agent, architect, engineer or builder _____

If applicant is a corporation, signature of duly authorized officer. _____
(Name and title of corporate officer)

1. On what street is property located? On the _____ side of _____
(N, S, E or W)
and _____ feet from the intersection of _____

2. Zone or use district in which premises are situated _____ Is property a flood zone? Y _____ N _____

N 3. Tax Map Description: Section 48 Block 4 Lot 38

4. State existing use and occupancy of premises and intended use and occupancy of proposed construction.

a. Existing use and occupancy _____ b. Intended use and occupancy _____

5. Nature of work (check if applicable) ☐ New Bldg. ☐ Addition ☐ Alteration ☐ Repair ☐ Removal ☐ Demolition ☒ Other Existing deck

6. Is this a corner lot? No

7. Dimensions of entire new construction. Front _____ Rear _____ Depth _____ Height _____ No. of stories _____

8. If dwelling, number of dwelling units: _____ Number of dwelling units on each floor _____

Number of bedrooms _____ Baths _____ Toilets _____ Heating Plant: Gas _____ Oil _____
Electric/Hot Air _____ Hot Water _____ If Garage, number of cars _____

9. If business, commercial or mixed occupancy, specify nature and extent of each type of use _____

10. Estimated cost _____ Fee 50.00

8128 101
date

APPLICATION FOR BUILDING PERMIT
TOWN OF NEW WINDSOR, ORANGE COUNTY, NEW YORK
Pursuant to New York State Building Code and Town Ordinances

Building Inspector: Michael L. Babcock
Asst. Inspectors Frank List & Louis Krychear
New Windsor Town Hall
555 Union Avenue
New Windsor, New York 12553
(845) 563-4618
(845) 563-4695 FAX

Bldg Insp Examined _____
Fire Insp Examined _____
Approved _____
Disapproved _____
Permit No. _____

INSTRUCTIONS

- A. This application must be completely filled in by typewriter or in ink and submitted to the Building Inspector.
- B. Plot plan showing location of lot and buildings on premises, relationship to adjoining premises or public streets or areas, and giving a detailed description of layout of property must be drawn on the diagram, which is part of this application.
- C. This application must be accompanied by two complete sets of plans showing proposed construction and two complete sets of specifications. Plans and specifications shall describe the nature of the work to be performed, the materials and equipment to be used and installed and details of structural, mechanical and plumbing installations.
- D. The work covered by this application may not be commenced before the issuance of a Building Permit.
- E. Upon approval of this application, the Building Inspector will issue a Building Permit to the applicant together with approved set of plans and specifications. Such permit and approved plans and specifications shall be kept on the premises, available for inspection throughout the progress of the work.
- F. No building shall be occupied or used in whole or in part for any purpose whatever until a Certificate of Occupancy shall have been granted by the Building Inspector.

APPLICATION IS HEREBY MADE to the Building Inspector for the issuance of a Building Permit pursuant to the New York Building Construction Code Ordinances of the Town of New Windsor for the construction of buildings, additions, or alterations, or for removal or demolition or use of property as herein described. The applicant agrees to comply with all applicable laws, ordinances, regulations and certifies that he is the owner or agent of all that certain lot, piece or parcel of land and/or building described in this application and if not the owner, that he has been duly and properly authorized to make this application and to assume responsibility for the owner in connection with this application.

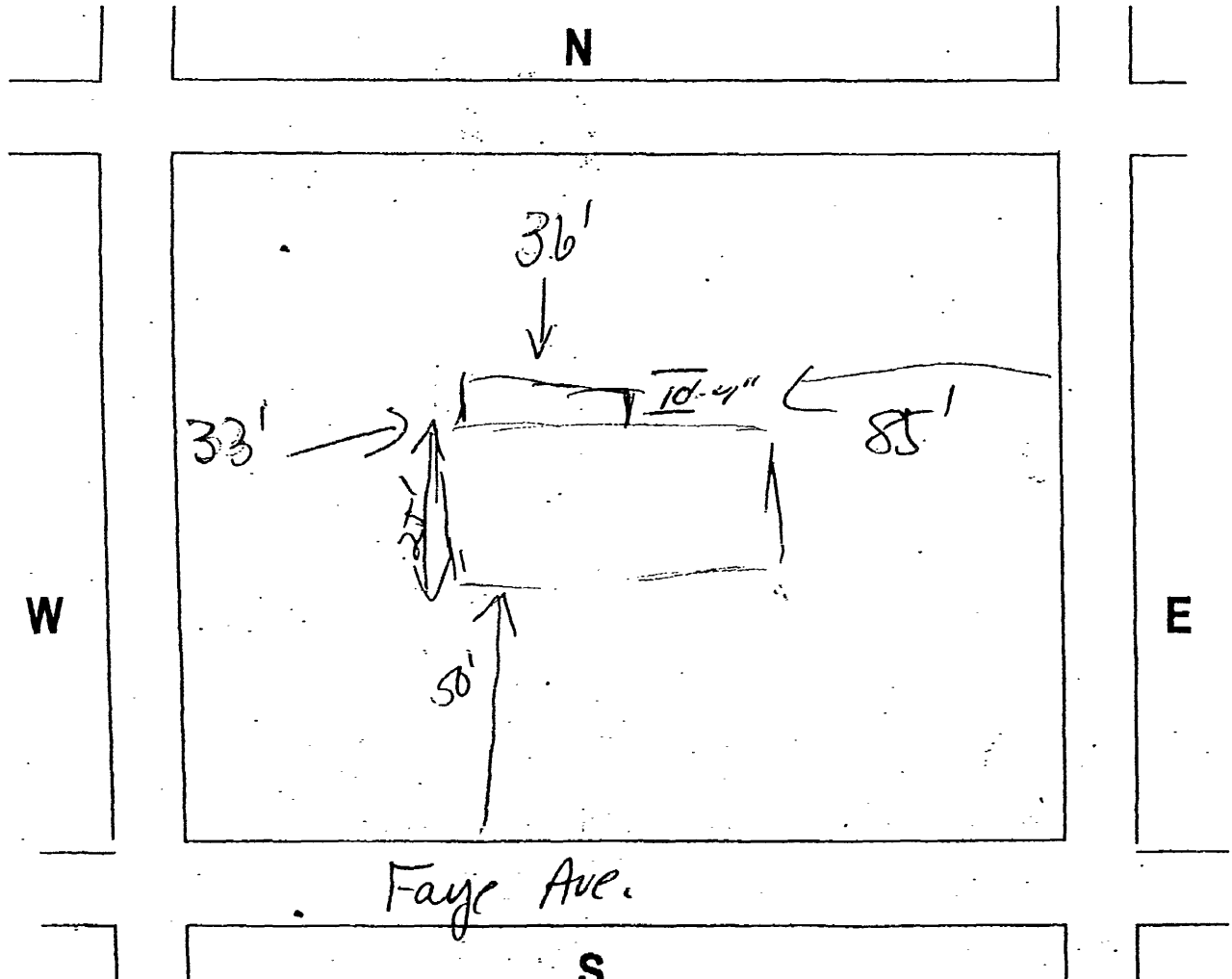
(Signature of Applicant)

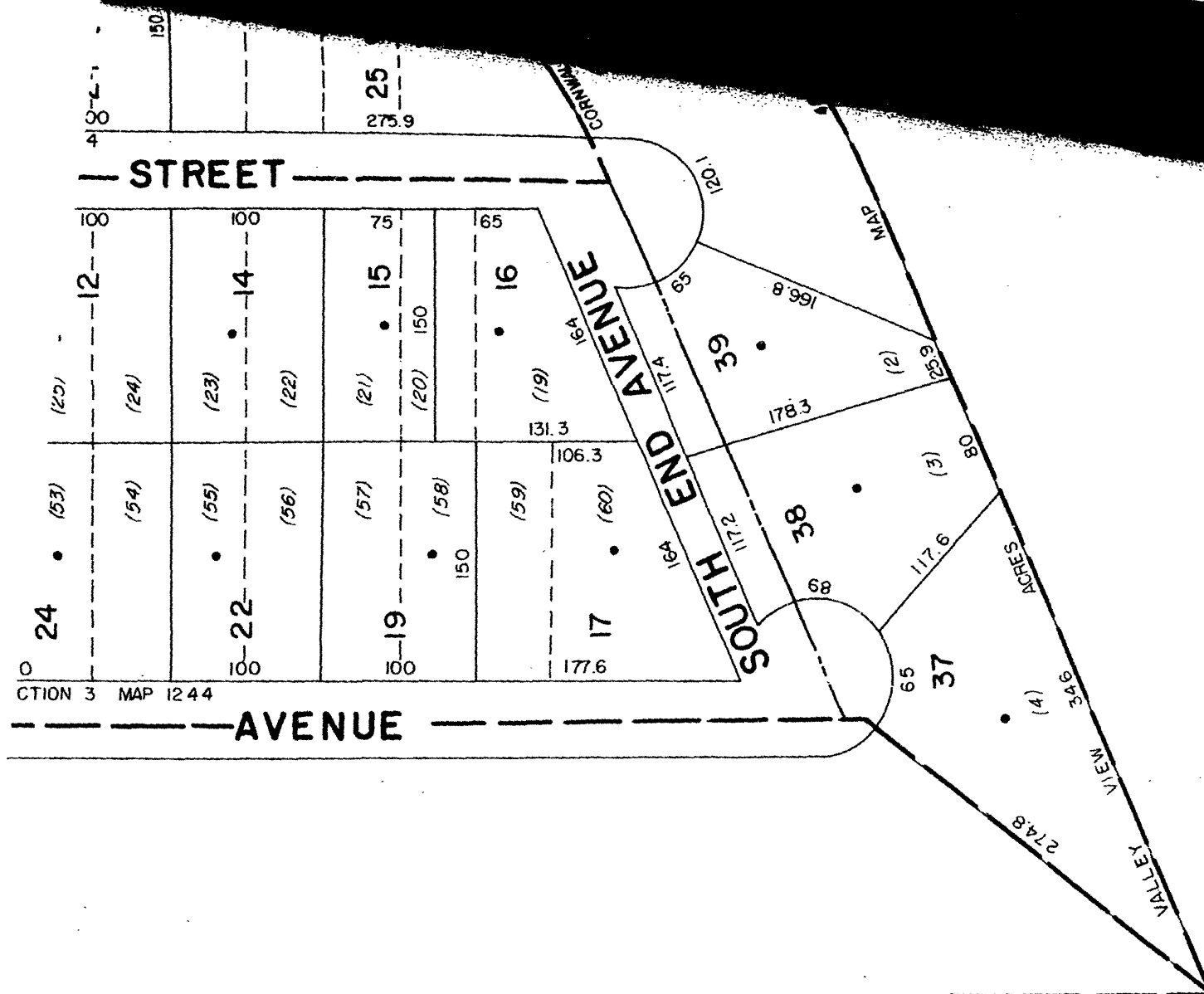
(Address of Applicant)

(Owner's Signature)

PLOT PLAN

NOTE: Locate all buildings and indicate all set back dimensions. Applicant must indicate the building line or lines clearly and distinctly on the drawings.







Langer, Myron & Jean
01-49.



**ZONING BOARD OF APPEALS:TOWN OF NEW WINDSOR
COUNTY OF ORANGE:STATE OF NEW YORK**

In the Matter of the Application for Variance of

**AFFIDAVIT OF
SERVICE
BY MAIL**

Jean Langer
01-49.

STATE OF NEW YORK)
) SS.:
COUNTY OF ORANGE)

PATRICIA A. CORSETTI, being duly sworn, deposes and says:

That I am not a party to the action, am over 18 years of age and reside at 7 Franklin Avenue, New Windsor, N. Y. 12553.

That on the 5th day of October, 2001, I compared the 28 addressed envelopes containing the Public Hearing Notice pertinent to this case with the certified list provided by the Assessor regarding the above application for a variance and I find that the addresses are identical to the list received. I then caused the envelopes to be deposited in a U.S. Depository within the Town of New Windsor.

Jahusia A. Corseth
Notary Public

Sworn to before me this

____ day of _____, 20____.

Notary Public

PUBLIC NOTICE OF HEARING

ZONING BOARD OF APPEALS

TOWN OF NEW WINDSOR

PLEASE TAKE NOTICE that the Zoning Board of Appeals of the TOWN OF NEW WINDSOR, New York, will hold a Public Hearing pursuant to Section 48-34A of the Zoning Local Law on the following Proposition:

Appeal No. 49

Request of Jean Langer

for a VARIANCE of the Zoning Local Law to Permit:

existing deck of insufficient rear yard;

being a VARIANCE of Section 48-12 - Table of Use/Bulk Regs - Col. G

for property situated as follows:

44 Faye Avenue, New Windsor, N.Y. 12553

known and designated as tax map Section 48, Blk. 4 Lot 30

PUBLIC HEARING will take place on the 22nd day of October, 2001 at the New Windsor Town Hall, 555 Union Avenue, New Windsor, New York beginning at 7:30 o'clock P.M.

Lawrence Torley
Chairman

CONSULT YOUR LAWYER BEFORE SIGNING THIS INSTRUMENT—THIS INSTRUMENT SHOULD BE USED BY LAWYERS ONLY.

33-8125

LIBER 2167 PAGE 1108

THIS INSTRUMENT, made this 12 day of June, nineteen hundred and eighty
BETWEEN

| | | | | | | | | | |
|--|-------------------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--|--|--|
| TELEPHONE: (845) 291-0022 RECEIVING | | | | | | | | | |
| COUNTY OF ORANGE | | | | | | | | | |
| COUNTY CLERK'S OFFICE DONNA L. BENSON, COUNTY CLERK COUNTY GOVERNMENT CENTER GOSHEN, NEW YORK 10924 | | | | | | | | | |
| WILL | WILL CALL | DATE | | | | | | | |
| <input type="checkbox"/> | <input type="checkbox"/> | 7-19-01 | | | | | | | |
| NAME <u>Lease - John</u> | | | | | | | | | |
| ADDRESS | | | | | | | | | |
| CITY <u>Newburgh</u> STATE ZIP CODE | | | | | | | | | |
| PAYD | CHG | CERT | DEED | MILL | NOT | OTHER | | | |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | | | |
| QUANT. | DESCRIPTION | | | | | AMOUNT | | | |
| | 1 Deed | | | | | 91.50 | | | |
| | Fax | | | | | 5.00 | | | |
| | | | | | | 6.50 | | | |
| 01535 | | | | | RECEIVED BY <u>PH</u> | | | | |

To: J. Lease

From: Plaintiff
County Clerk's Office

Fax # 565-4133

CONSULT YOUR LAWYER BEFORE SIGNING THIS INSTRUMENT—THIS INSTRUMENT SHOULD BE USED BY LAWYERS ONLY.

LIBER 2157 PAGE 1108

33-2175

THIS INSTRUMENT, made the 12 day of June, nineteen hundred and eighty
BETWEEN

MARILYN HANKIN and BARBARA H. TIRSCHWELL, d/b/a
New Windsor Associates, 20 Whitehall Road,
Poughkeepsie, New York and 11 Lisa Lane, New City,
New York, respectively,

party of the first part, and

MYRON LANGER and JEAN LANGER, his wife, both
residing at 3 Bayview Terrace, Cornwell, New York

party of the second part.

WITNESSETH, that the party of the first part, in consideration of

TEN and NO/100 (\$10.00) ----- dollars.

lawful money of the United States, paid

by the party of the second part, does hereby grant and release unto the party of the second part, the heirs or
successors and assigns of the party of the second part forever,

ALL that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situate,
lying and being in the Town of New Windsor, County of Orange, State of
New York shown and designated as Lot 3 on the map of "VALLEY
VIEW ACRES" filed February 28, 1979 in the Orange County Clerk's
Office as Map No. 4830.

TOGETHER with all right, title and interest, if any, of the party of the first part in and to any streets and roads abutting the above described premises to the center lines thereof.

TOGETHER with the appurtenances and all the estate and rights of the party of the first part in and to said premises.

TO HAVE AND TO HOLD the premises herein granted unto the party of the second part, the heirs or successors and assigns of the party of the second part forever.


AND the party of the first part covenants that the party of the first part has not done or suffered anything whereby the said premises have been incumbered in any way whatever, except as aforesaid.

AND the party of the first part, in compliance with Section 13 of the Lien Law, covenants that the party of the first part will receive the consideration for this conveyance and will hold the right to receive such consideration as a trust fund to be applied first for the purpose of paying the cost of the improvement and will apply the same first to the payment of the cost of the improvement before using any part of the total of the same for any other purpose.

The word "party" shall be construed as if it read "parties" whenever the sense of this indenture so requires.

IN WITNESS WHEREOF, the party of the first part has duly executed this deed the day and year first above written.

In presence of:


Marilyn Hankin


Barbara H. Tirschwell

1552167 001100

On the 11 day of June 1980, before me personally came *Marilyn Hankin* *Barbara H. Tirschwell*

to me known to be the individual described in and who executed the foregoing instrument, and acknowledged that *she* executed the same.

[Signature]
Notary Public
LEONARD S. HANFMAN
NOTARY PUBLIC, STATE OF NEW YORK
COMM. EXPIRES 12/31/81
OFFICE: 100 WALL STREET, 10TH FL.
NEW YORK, N.Y. 10038
RESIDENCE: 100 WALL STREET, 10TH FL.
NEW YORK, N.Y. 10038

STATE OF NEW YORK, COUNTY OF OFFICE COUNTY CLERKS OFF. 845 291 2691 P.03

On the 11 day of June 1980, before me personally came *Marilyn Hankin* *Barbara H. Tirschwell*

to me known, who, being by me duly sworn, did depose and say that *she* resides at No.

that *she* is the of *the corporation described* in and which executed the foregoing instrument; that *she* knows the seal of said corporation; that the seal affixed to said instrument is such corporate seal; that it was so affixed by order of the board of directors of said corporation, and that *she* signed her name thereto by like order.

On the 9 day of June 1980, before me personally came *BARBARA H. TIRSCHWELL*

to me known to be the individual described in and who executed the foregoing instrument, and acknowledged that *she* executed the same.

[Signature]
Notary Public
FRANCIS R. CASTEL JR.
NOTARY PUBLIC, STATE OF NEW YORK
OFFICE: 100 WALL STREET, 10TH FL.
NEW YORK, N.Y. 10038
RESIDENCE: 100 WALL STREET, 10TH FL.
NEW YORK, N.Y. 10038

STATE OF NEW YORK, COUNTY OF OFFICE COUNTY CLERKS OFF. 845 291 2691 P.03

On the 9 day of June 1980, before me personally came *BARBARA H. TIRSCHWELL*

to me known, who, being by me duly sworn, did depose and say that *she* resides at No.

that *she* is the of *the corporation described* in and which executed the foregoing instrument; that *she* knows the seal of said corporation; that the seal affixed to said instrument is such corporate seal; that it was so affixed by order of the board of directors of said corporation, and that *she* signed her name thereto by like order.

Bargain and Sale Deed
WITH COVENANT AGAINST GRANTOR'S ACTS

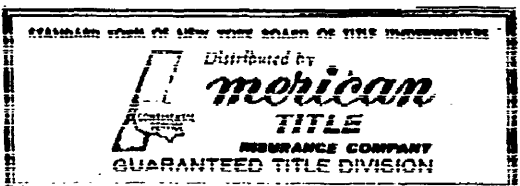
Title No. *1325*

MARILYN HANKIN and BARBARA H. TIRSCHWELL, d/b/a NEW WINDSOR ASSOCIATES

TO

MYRON LANGER and JEAN LANGER

SECTION *1325*
BLOCK *1325*
LOT *1325*
COUNTY OR TOWN *1325*



Recorded At Request of American Title Insurance Company
RETURN BY MAIL TO:

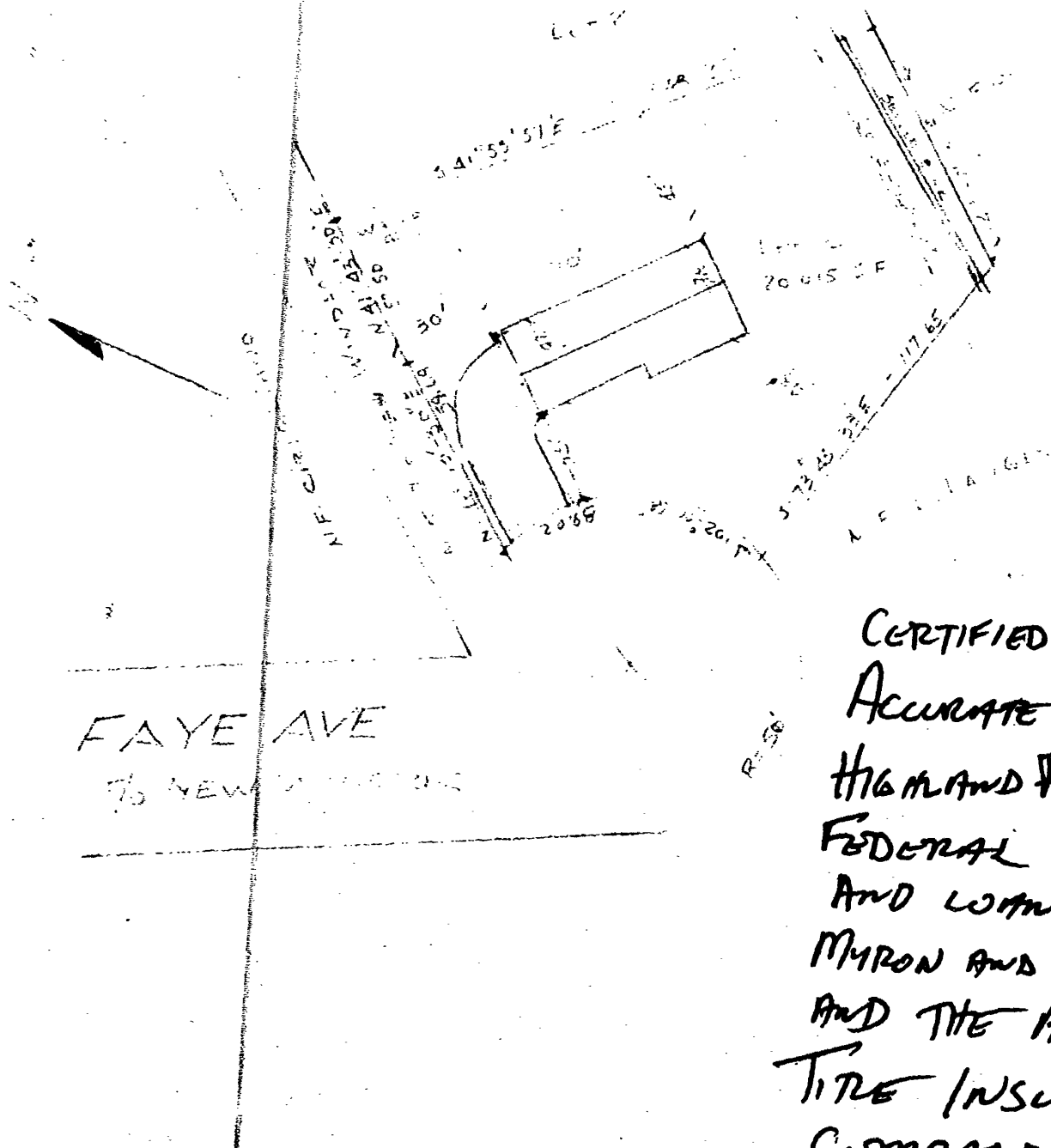
SEAMAN, MCGUIRK & ZECCOLA
ATTORNEYS AT LAW
542 UNION AVENUE
NEW WINDSOR, NEW YORK 12550

A Member of the Continental Insurance Companies

RECEIVED
JUN 18 1980
CLERK'S OFFICE

[Handwritten notes and signatures]
Orange County Clerk's Office
Recorded at 1:30 PM on 6/18/80
Indexer's Office
Dated 6/18/80 at 1:30 PM
at New Windsor, NY
[Signature]

2018



CERTIFIED CORRECT &
ACCURATE TO
HIGHLAND FALLS
FEDERAL SAVINGS
AND LOAN &
MYRON AND JENN HANCOCK
AND THE AMERICAN
TIRE INSURANCE
COMPANY.

**PREVIOUS
DOCUMENTS
IN POOR
ORIGINAL
CONDITION**

TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS

APPLICATION FOR VARIANCE

01-49

Date: 10/25/01

I. ☒ Applicant Information:

- (a) MYRON J JEAN LANGER 30 LOOSESTRIFE LN KERHACKSON NY 12446 626 5688
(Name, address and phone of Applicant) (Owner)
- (b) _____
(Name, address and phone of purchaser or lessee)
- (c) _____
(Name, address and phone of attorney)
- (d) _____
(Name, address and phone of contractor/engineer/architect)

II. Application type:

- ☐ Use Variance ☐ Sign Variance
- ☒ Area Variance ☐ Interpretation

III. ☒ Property Information:

- (a) R-4 44 FAYE AVE 48-4-38 2005 ft²
(Zone) (Address) (S B L) (Lot size)
- (b) What other zones lie within 500 ft.? NC
- (c) Is a pending sale or lease subject to ZBA approval of this application? YES
- (d) When was property purchased by present owner? 1980
- (e) Has property been subdivided previously? NO
- (f) Has property been subject of variance previously? NO
If so, when? _____
- (g) Has an Order to Remedy Violation been issued against the property by the Building/Zoning Inspector? YES
- (h) Is there any outside storage at the property now or is any proposed? Describe in detail: YES, 12X12 STORAGE SHED
- _____

IV. Use Variance. N/A

- (a) Use Variance requested from New Windsor Zoning Local Law, Section _____, Table of _____ Regs., Col. _____, to allow: _____
(Describe proposal) _____
- _____

(b) The legal standard for a "use" variance is unnecessary hardship. Describe why you feel unnecessary hardship will result unless the use variance is granted. Also set forth any efforts you have made to alleviate the hardship other than this application.

(c) Applicant must fill out and file a Short Environmental Assessment Form (SEQR) with this application.

(d) The property in question is located in or within 500 ft. of a County Agricultural District: Yes____ No____.

If the answer is Yes, an agricultural data statement must be submitted along with the application as well as the names of all property owners within the Agricultural District referred to. You may request this list from the Assessor's Office.

V.✓ Area variance:

(a) Area variance requested from New Windsor Zoning Local Law, Section 48-12, Table of Use/Bulk. Regs., Col. G.

| <u>Requirements</u> | <u>Proposed or Available</u> | <u>Variance Request</u> |
|------------------------------|------------------------------|-------------------------|
| Min. Lot Area _____ | _____ | _____ |
| Min. Lot Width _____ | _____ | _____ |
| Reqd. Front Yd. _____ | _____ | _____ |
| Reqd. Side Yd. _____ | _____ | _____ |
| Reqd. Rear Yd. <u>40 ft.</u> | <u>33 ft.</u> | <u>7 ft.</u> |
| Reqd. Street Frontage* _____ | _____ | _____ |
| Max. Bldg. Hgt. _____ | _____ | _____ |
| Min. Floor Area* _____ | _____ | _____ |
| Dev. Coverage* _____% | _____% | _____% |
| Floor Area Ratio** _____ | _____ | _____ |
| Parking Area _____ | _____ | _____ |

* Residential Districts only

** No-residential districts only

✓(b) In making its determination, the ZBA shall take into consideration, among other aspects, the benefit to the applicant if the variance is granted as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. Also, whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance; (2) whether the benefit sought by the applicant can be achieved by some other method feasible for the applicant to pursue other than an area variance; (3)

whether the requested area variance is substantial; (4) whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and (5) whether the alleged difficulty was self-created. Describe why you believe the ZBA should grant your application for an area variance:

THE PORCH WAS BUILT 20 YEARS AGO AND HAS NOT HAD AN
ADVERSE EFFECT ON THE AREA. THERE ARE NO HOUSES THAT
BORDER THE BACK PROPERTY.

(You may attach additional paperwork if more space is needed)

VI. Sign Variance: N/A.

(a) Variance requested from New Windsor Zoning Local Law, Section _____, _____ Regs.

| | <u>Requirements</u> | <u>Proposed or Available</u> | <u>Variance Request</u> |
|--------|---------------------|------------------------------|-------------------------|
| Sign 1 | _____ | _____ | _____ |
| Sign | _____ | _____ | _____ |
| Sign 3 | _____ | _____ | _____ |
| Sign | _____ | _____ | _____ |
| | _____ | _____ | _____ |
| | _____ | _____ | _____ |

(b) Describe in detail the sign(s) for which you seek a variance, and set forth your reasons for requiring extra or over size signs.

(c) What is total area in square feet of all signs on premises including signs on windows, face of building, and free-standing signs?

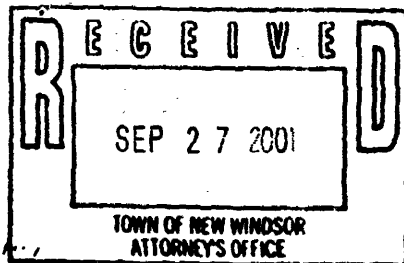
VII. Interpretation: N/A.

(a) Interpretation requested of New Windsor Zoning Local Law, Section _____, Table of _____ Regs., Col. _____.

(b) Describe in detail the proposal before the Board:

✓ VIII. Additional comments:

(a) Describe any conditions or safeguards you offer to ensure that the quality of the zone and neighboring zones is maintained or



Date 1/23/01

TOWN OF NEW WINDSOR

TOWN HALL, 555 UNION AVENUE
NEW WINDSOR, NEW YORK 12553

TO Frances Roth DR.
168 N. Drury Lane
Newburgh, N.Y. 12550

| DATE | | | CLAIMED | | ALLOWED | |
|---------|--|---------------------------|---------|----|---------|--|
| 1/24/01 | | Zoning Board Mtg | 75 | 00 | | |
| | | Misc - 6 | | | | |
| | | Botsakis - 3 | | | | |
| | | Langer - 2 | | | | |
| | | Baker - 3 | | | | |
| | | Dimiceli - 2 | | | | |
| | | Bela/Orange Cty Trust - 5 | | | | |
| | | Corbett - 3 | | | | |
| | | Mans - 9 | 148 | 50 | | |
| | | 33 | | | | |
| | | | 223 | 50 | | |
| | | | | | | |
| | | | | | | |
| | | | | | | |

LANGER, MYRON

MR. TORLEY: Request for 7 ft. rear yard variance for an existing deck at 44 Faye Avenue in an R-4 zone.

Mrs. Jeanne Langer appeared before the board for this proposal.

MRS. LANGER: And I don't know what I'm supposed to do.

MR. TORLEY: Tell us what your problems is, what you want to do.

MRS. LANGER: Obviously, the deck is too close, I guess it's too close to the back line so we're asking for a variance.

MR. KANE: How long has the deck been in existence?

MRS. LANGER: A long time.

MR. KANE: Fifteen years, 20 years, 10 years?

MRS. LANGER: Probably 20 years. I have pictures.

MR. KANE: Any complaints formally or informally about the deck?

MRS. LANGER: No.

MR. KANE: Deck similar in size to other decks in your neighborhood?

MRS. LANGER: Yeah, I guess, here's some pictures, yes, it's just higher up, that's all.

MR. REIS: What brings you to the zoning board?

MRS. LANGER: Because they told me I had to come because we need, we're selling the property.

MR. REIS: You're selling the property.

MR. TORLEY: You realize should you be granted a variance for this rear yard setback, that doesn't

relieve you of the requirements as far as structural soundness and all the other parts or the building codes?

MRS. LANGER: Right, yeah.

MR. MC DONALD: If you had to remove the deck, if someone came out of the door, you'd have a little problem, right?

MRS. LANGER: Yes.

MR. TORLEY: One of the things we'll be asking you at the public hearing when you come back you're not building the deck over any water courses or sewer pipes, anything like that? We'll be asking you the questions at the public hearing.

MRS. LANGER: Okay.

MR. TORLEY: Do you have any other questions? I'll accept a motion.

MR. MC DONALD: Make a motion we set Mrs. Langer up for a public hearing for her variance request.

MR. KANE: Second it.

ROLL CALL

| | |
|---------------|-----|
| MR. RIVERA | AYE |
| MR. MC DONALD | AYE |
| MR. KANE | AYE |
| MR. REIS | AYE |
| MR. TORLEY | AYE |